

ARIZONA STATE VETERINARY MEDICAL EXAMINING BOARD
1740 W. ADAMS ST., SUITE 4600, PHOENIX, ARIZONA 85007
PHONE (602) 364-1PET (1738) FAX (602) 364-1039
VETBOARD.AZ.GOV

RECEIVED

JUN 16 2022

Initial: _____

COMPLAINT INVESTIGATION FORM

If there is an issue with more than one veterinarian please file a separate Complaint Investigation Form for each veterinarian

PLEASE PRINT OR TYPE

FOR OFFICIAL USE ONLY	
Date Received: <u>June 16, 2022</u>	Case Number: <u>22-141</u>

A. THIS COMPLAINT IS FILED AGAINST THE FOLLOWING:

Name of Veterinarian/CVT: Bernard Mangone, DVM/Yaya (vet tech) (complete name unknown)

Premise Name: Palm Glen Animal Hospital

Premise Address: 7771 N. 43rd Ave.

City: Phoenix State: AZ Zip Code: 85051

Telephone: (602) 841-1200

B. INFORMATION REGARDING THE INDIVIDUAL FILING COMPLAINT*:

Name: Bonne & Tom West

Address: [REDACTED]

Zip: [REDACTED]

Home Telephone: _____ Cell Telephone: [REDACTED]

*STATE LAW REQUIRES WE HAVE TO DISCLOSE YOUR NAME UNLESS WE CAN SHOW THAT DISCLOSURE WILL RESULT IN SUBSTANTIAL HARM TO YOU, SOMEONE ELSE OR THE PUBLIC PER A.R.S. § 41-1010. IF YOU HAVE REASON TO BELIEVE THAT SUBSTANTIAL HARM WILL RESULT IN DISCLOSURE OF YOUR NAME PLEASE PROVIDE COPIES OF RESTRAINING ORDERS OR OTHER DOCUMENTATION.

C. PATIENT INFORMATION (1):

Name: Frank
Breed/Species: Unknown/Pig
Age: 19 Sex: Male Color: Pink

PATIENT INFORMATION (2):

Name: _____
Breed/Species: _____
Age: _____ Sex: _____ Color: _____

D. VETERINARIANS WHO HAVE PROVIDED CARE TO THIS PET FOR THIS ISSUE:

Please provide the name, address and phone number for each veterinarian.

E. WITNESS INFORMATION:

Please provide the name, address and phone number of each witness that has direct knowledge regarding this case.

April Snow - [REDACTED]
Rachel Peterson [REDACTED]
Lori (last name unknown), Office Manager - Palm Glen Animal Hospital, 7771 N. 43rd Ave., Phoenix, AZ 85051 (602)841-1200
Dr. Bernard Mangone - Palm Glen Animal Hospital, 7771 N. 43rd Ave., Phoenix, AZ 85051 (602)841-1200
YeYe (full name unknown) - Vet Tech - Palm Glen Animal Hospital, 7771 N. 43rd Ave., Phoenix, AZ 85052 (602)841-1200

Attestation of Person Requesting Investigation

By signing this form, I declare that the information contained herein is true and accurate to the best of my knowledge. Further, I authorize the release of any and all medical records or information necessary to complete the investigation of this case.

Signature: _____

Date: 6/16/2022

F. ALLEGATIONS and/or CONCERNS:

Please provide all information that you feel is relevant to the complaint. This portion must be either typewritten or clearly printed in ink.

On 6/2/22 we took our 19 year old pig Frank in for a dental procedure by Dr. Mangone at Palm Glen Animal Clinic. Frank had a serious mouth infection that was not going away after two courses of antibiotics. We knew the risk was great because of his age, but doing nothing was not an option.

Around noon that same day Dr. Mangone called and said that the infection was severe enough that even if something could be done, because of his age the recovery would be long and painful. We made the heartbreaking decision to have him euthanized. I gave a second authorization as required to his vet tech "Yaya" (full name unknown)

I learned the following morning, less than 24 hours after Frank's euthanasia, that vet tech Yaya had taken a video of the dental procedure and posted a video reel on her personal Instagram page stating "the stench from this pig's mouth (insert vomiting emoji)".

I was devastated and immediately called Palm Glen and left a message for Lori the office manager. She called me back and said she heard my message and that she had made Dr. Mangone aware of what had happened and that it was not something that they approved of. She said vet tech YaYa stepped up, admitted it was her but that it was only a "24 hour reel" and she didn't mention the name of the pig.

Later that day Lori sent me an email saying she was confused about my statement about not signing a release and sent an attachment of a "release" that we signed authorizing pictures of one of our pet(s) in 2021. The release listed only one animal and that was a rabbit. Evidently, they interpreted this to apply to all of our animals.

A release to the clinic should not constitute the release to an employee using their personal phone to take pictures and, in this case, a graphic video and post it on their personal social media page. Someone in management whether it be Dr. Mangone, the office manager or another employee knew or should have known what she was doing as it was my understanding this was not the first time she had done this. It should have been stopped before it ever started with strict social media guidelines in place.

Not only was I devastated by the loss of an animal that was an integral part of our daily lives for 19 years, but I was outraged by such egregious and callous behavior by those we entrusted the care of our animals to. To make matter worse, Lori then tried to turn the tables and say that we authorized release of such information. To think that anyone would authorize release of such graphic pictures/videos of their beloved pet to be used by an employee on their personal social media page and tagged with a derogatory remark is unconscionable. Use of personal cell phones by an employee in a surgical setting should never be sanctioned by the governing clinic. Palm Glen is not a teaching clinic, there was no reason whatsoever that this should have been permitted.

We left several messages for Dr. Mangone as we would like to have sat down and talked to him about the situation but never received a return call from him or YaYa. While we've had other issues with practices at the clinic, we felt we had at least a good relationship with Dr. Mangone. Last communication from Palm Glen was an email from Lori who stated it was obvious we were not satisfied with their services, and we should find another clinic to take our animals to.

While I understand there is no HIPPA rule to protect animals, there is an administrative rule based on the moral and ethical obligation to treat the owners and their pets with respect and dignity. It is respectfully requested that the Board review the actions of the vet tech YaYa and Dr. Mangone as the managing veterinarian as a violation of R3-11-501(1).

Rev 8,14,17

Bernard Mangone, DVM
Palm Glen Animal Hospital
7771 N 43rd Ave
Phoenix, AZ 85051



RE 22-141 Bernard Mangone

Frank, a 19 Year old pig was evaluated by me through records and radiographs from the RDVM, a brief exam on the client's property, and the final examination under anesthesia. Review of Frank's radiographs showed a very large proliferative/lytic lesion of the R mid mandible. It was assumed that this was likely "lumpy jaw" and Actinomyces/Nocardia were suspected.

Frank was briefly examined on the client's property D/T the need for chemical and/or heavy physical restraint to perform a proper exam the exam was limited to a very brief look at the mouth and auscultation.

On the last exam Frank was sedated with Telazol and intubated and placed on Iso. While intubating it was obvious that the jaw was pathologically fractured at through the R mandible at the tip of the root of the tusk. The abscess had eroded the bone and the roots of several teeth were exposed along with inches of necrotic bone. While the monitors were being connected I called the O and made my recommendation for either a hemimandibulectomy or euthanasia.

To address the Client's concerns.

- 1) We serve multiple governmental organizations such as MCSO, DEA, AZGFD, USFWS and several others and because of this we do have a solid social media policy that forbids posting any pictures unless consent is signed by the owner/agency.
- 2) Palm Glen is a teaching hospital with externs from the U of AZ, Midwestern, WestMec, and Carrington rotating on a regular basis. As I write this we have both the U of Az and Carrington here.
- 3) I have not seen the posting as I do not have facebook but I am told it was posted by the technician on their private page and was posted without identifying the pet nor Palm Glen. Even with policies in place we cannot control the actions of an employee that chooses to violate those policies and immediately upon hearing about the issue the hospital manager addressed the problem with the employee and the posting was removed. The employee was educated as to the consequence of her actions and action was taken by the HM that she deemed to be appropriate.
- 4) I did not speak with the owner about this issue as she initially called and specifically requested to speak with the HM and not me. It was only after the O did not get what she wished from the HM that she asked to speak with me. It is my understanding that the O wished for the employee to be fired and this was not considered to be reasonable by the HM. In addition, I was told that the O was extremely combative and belittling on the phone to the point that the HM was no longer willing to speak with her. It is my opinion that stepping into the conversation at that point would have been even more detrimental as I would not undermine the HM whose position it is to deal with staff issues.

Again, as a hospital, we can set forth policies but ultimately cannot directly police the social media of our employees for both logistic and legal reasons. We can and did request removal of the offending post the moment we were informed about it and take appropriate remedial action as determined by the HM, who is in charge of personnel.

Respectfully,

Berney Mangone, DVM

DOUGLAS A. DUCEY
- GOVERNOR -



VICTORIA WHITMORE
- EXECUTIVE DIRECTOR -

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INVESTIGATIVE COMMITTEE REPORT

TO: Arizona State Veterinary Medical Examining Board

FROM: AM Investigative Committee: Carolyn Ratajack - Chair
Christina Tran, DVM
Robert Kritsberg, DVM
Jarrod Butler, DVM
Steven Seiler

STAFF PRESENT: Tracy A. Riendeau, CVT – Investigations
Marc Harris, Assistant Attorney General

RE: Case: 22-141
Complainant(s): Bonnie and Tom West
Respondent(s): Bernard Mangone, DVM (License: 3371)

SUMMARY:

Complaint Received at Board Office: 6/16/22
Committee Discussion: 11/1/22
Board IIR: 12/14/22

APPLICABLE STATUTES AND RULES:

Laws as Amended August 2018
(Lime Green); Rules as Revised September
2013 (Yellow).

On June 2, 2022, "Frank," a 19-year-old male Potbellied Pig was presented to Respondent for ongoing dental issues. Due to the pig's pathological jaw fracture, Respondent recommended surgical intervention or humane euthanasia. Complainants elected to humanely euthanize the pig.

The following day, Complainants learned that a video of the pig's dental procedure was posted on the personal social media site of an employee of Respondent's. Complainants did not give consent for their pet's images to be posted on social media.

Complainants were noticed and appeared.
Respondent was noticed and appeared.

The Committee reviewed medical records, testimony, and other documentation as described below:

- Complainant(s) narrative: *Bonnie and Tom West*
- Respondent(s) narrative/medical record: *Bernard Mangone, DVM*

PROPOSED 'FINDINGS of FACT':

1. On June 2, 2022, the pig was presented to Respondent for a dental procedure due to continued oral health issues. Upon exam, the pig had a weight = 70 pounds, a temperature = 101 degrees, a heart rate = 124bpm and a respiration rate = 30rpm. According to Respondent, he sedated the pig with telazol 90mg (route unknown), intubated and placed the pig on isoflurane. While intubating the pig, Respondent noted the jaw was pathologically fractured at the right mandible at the tip of the root of the tusk. An abscess had eroded the bone and the roots of several teeth were exposed along with inches of necrotic bone. Respondent contacted Complainants with an update. No anesthetic monitoring was noted.

2. Respondent called Complainants to advise that the pig would require a hemimandibulectomy or euthanasia. Complainants elected to humanely euthanize the pig, which was verified over the phone by Respondent's technical staff member, Yaya. The pig was administered 10mL euthanasia solution IV.

3. The following morning Complainants learned that Respondent's technical staff member Yaya had taken a video of their pig's dental procedure and posted the video on her personal social media page with the caption – "The stench from this pig's mouth" with a vomiting emoji.

4. Complainants called Respondent's premises and left a message for the hospital manager. The hospital manager, Lori, returned their call to advise that she made Respondent aware of the situation and Yaya admitted to posting the video as a "24 hour reel" on her personal social media account. The pig's name was not made public. Later, Lori emailed Complainants stating that they did sign a release in 2021 authorizing pictures of one of their pets to be shared on social media. Complainants pointed out that it was for their rabbit only, as documented on the release form. The form was not provided by Respondent but was provided by Complainants.

5. Respondent stated in his narrative that they have a social media policy that forbids posting any pictures unless consent is signed by the owner/agent. Even with policies in place, he cannot control the actions of an employee that chooses to violate those policies and upon hearing of the issue, the hospital manager addressed the problem with the employee; the post was removed.

6. Respondent did not speak with Complainants as they initially called and requested to speak with the hospital manager. Respondent stated that after Complainants did not get what they wished, for the employee who posted the video to be terminated, they requested to speak to him. Respondent felt that inserting himself into the conversation would have been detrimental at that point and would undermine the hospital manager whose position it is to deal with staff issues.

7. Complainants were terminated as clients.

COMMITTEE DISCUSSION:

The Committee discussed that this was another example of a lack of communication between the client and the health care provider that caused a problem. The Committee questioned that once consent was signed, was that forever, particularly regarding photographs that were not mentioned on the consent. Complainants signed a release for their rabbit almost a year prior, but not for the pig. It seems reasonable that a pet owner would be made aware that photographs would be used for teaching purposes or other uses. In some settings, posting pictures on social media could be a terminal offense. The images were not used for teaching; it was posted on a personal account.

If Respondent spoke with Complainants to apologize and explain that it was not their policy, it would have likely made a difference. Professional courtesy to speak to the client, regardless of the circumstances, can be beneficial. Respondent could have explained that he was not in the power position Complainants assumed he was – he works for a corporation and there were other individuals that make decisions in these situations. It was not a terminal offense to the corporation but the matter was handled under corporate policies.

The Committee understood Complainants concerns and frustrations with the situation. However, a technical staff member went against policy without Respondent's knowledge. As soon as he was made aware, it was removed from social media. It was up to management and Respondent on how staff was disciplined for the action.

COMMITTEE'S PROPOSED CONCLUSIONS of LAW:

The Committee concluded that no violations of the Veterinary Practice Act occurred.

COMMITTEE'S RECOMMENDED DISPOSITION:

Motion: It was moved and seconded the Board:

Dismiss this issue with no violation.

Vote: The motion was approved with a vote of 5 to 0.

The information contained in this report was obtained from the case file, which includes the complaint, the respondent's response, any consulting veterinarian or witness input, and any other sources used to gather information for the investigation.

TR

Tracy A. Riendeau, CVT
Investigative Division